



1
2
3
4
5
6
7
8
9
10
11

**Stratham Planning Board
Meeting Minutes
November 7, 2012
Municipal Center, Selectmen's Meeting Room
10 Bunker Hill Avenue
Time: 7:00 PM**

12
13 Members Present: Bob Baskerville, Vice Chairman
14 Jeff Hyland, Secretary
15 Bruno Federico, Selectmen's Representative
16 Jameson Paine, Member
17 Tom House, Alternate
18

19 Members Absent: Mike Houghton, Chairman
20 Mary Jane Werner, Alternate
21 Christopher Merrick, Alternate
22

23 Staff Present: Lincoln Daley, Town Planner
24
25

26 **1. Call to Order/Roll Call.**

27
28 As the Chairman Mr. Houghton was absent, the Vice Chairman, Mr. Baskerville took roll
29 call. Mr. Baskerville asked Mr. House to be a full time voting member for the evening. Mr.
30 House agreed.
31

32 **2. Review/Approval of Meeting Minutes.**

- 33 a. September 19, 2012
34 b. October 3, 2012
35 c. October 17, 2012
36

37 Mr. House made a motion to accept the September 19th, 2012 and October 3rd, 2012
38 meeting minutes. Mr. Hyland seconded. Motion carried unanimously. The Board did not
39 review the October 17th minutes.
40

41 **3. Public Hearing(s).**

- 42 a. **Makris Real Estate Development, LLC., 32 Bunker Hill Avenue, Tax Map 9, Lot**
43 **49.** Request to extend the Conditional Approval for the twenty lot Residential Open
44 Space Cluster Subdivision granted on previously July 18, 2012.
45

1 Mr. Daley explained that the applicant along with the developer and abutter were
2 working toward an amended subdivision plan that was approved back in July 18th,
3 2012. The Board approved a lot line adjustment to address conditions of a settlement
4 that were discussed among the various parties and the amended subdivision plan is the
5 next step in that 2 step process. The applicant requires additional time to complete the
6 process plus they need to work with the State concerning the driveway, curb cuts and
7 the Alteration of Terrain permit. Mr. Daley recommended the approval of this
8 extension for an additional 120 days to March 15, 2013.

9
10 Ms. Makris of Makris Development introduced herself and gave an update. She
11 explained that they are working with the State right now on both permits and they are
12 hoping to get before the Planning Board for December 5th, 2012. Ms. Makris said they
13 felt that 120 days of extension would give them adequate time to get everything done.

14
15 Mr. Hyland made a motion to close the public hearing. Mr. Paine seconded the motion.
16 Motion carried unanimously.

17
18 Mr. Paine made a motion to extend the current conditional approval for the current
19 residential open space cluster subdivision development conditional approval that is set
20 to expire on November 15th, 2012 and extend it to March 15, 2013. Mr. Hyland
21 seconded the motion. The motion carried unanimously.

22
23
24 b. **Kirk Scamman, 9 Frying Pan Lane, Stratham for the property located at 6**
25 **Frying Pan Lane, Tax Map 9, Lot 113.** Site Plan Review Application to construct a
26 36,000 square foot automobile storage area, and related drainage, grading and,
27 landscaping improvements.

28
29
30 Mr. Bruce Scamman from Emanuel Engineering representing Kirk Scamman,
31 introduced himself.

32
33 Mr. Baskerville stopped the meeting so the Board was able to accept the application as
34 complete. Mr. Paine made a motion to accept the application and open the public
35 hearing for this project. Mr. House seconded the motion. Motion carried unanimously,
36

37 Mr. Scamman continued that they had met with both Paul Connelly from Civilworks
38 and Mr. Daley and as a result would like to discuss the issue of landscaping. He shared
39 the most current plan which shows a row of maple trees around the lot. He asked if the
40 Board would prefer the trees be staggered to give more of a buffer. He said there had
41 been some discussion about adding trees with a girth of a 3” diameter which they have
42 added to the plan. He asked for the Board’s opinion so the applicant could return with
43 waiver requests for parts of the landscaping regulations that don’t apply to this project.

44
45 Mr. Scamman summarized his meeting with Mr. Connelly. He explained they had been
46 asked to look at adding some additional area from Frying Plan Lane to include in the
47 drainage study, and to add various distances to the plan in the area where there was a

1 boundary plan. Mr. Scamman shared the soil report carried out by Mr. Gove adding
2 that now they have numbers they will be able to fine tune the plan a little more.

3
4 Mr. House asked how many trees were now in the updated plan. Mr. Scamman said
5 they had been increased from 19 to 33 and now they are staggered.

6
7 Mr. Paine commented that maple trees tend to lose their leaves in the fall which will
8 leave the lot wide open. He wanted to know if there was the potential of adding
9 evergreen trees. He asked also why the applicant wanted to put up a chain link fence.
10 Mr. Scamman said that in order to minimize theft of vehicles the police will need to be
11 able to see any suspicious behaviors when driving by so the view can not be impaired.
12 They do want to work with the Board to find something that balances aesthetics with
13 the need for security.

14
15 Mr. Baskerville confirmed that the light poles are 22 feet high. Mr. Scamman said they
16 were and matched the ones across the street at the Nissan dealership. Mr. Baskerville
17 said that the applicant doesn't necessarily need the same lighting for storing cars. He
18 felt the lights could be situated a little lower which would leave enough light for
19 security purposes. Mr. Scamman said they didn't want to put extra lights in the center
20 of the lot so they were trying to minimize that. They are in the process of working with
21 an electrical engineer to work on the safety and security lighting and this was their first
22 attempt; however Mr. Scamman said he wanted the Board's feedback on that also so he
23 could give more direction to the electrical engineer. Mr. Baskerville said if the
24 engineer could achieve enough lighting with down cast lighting due to a shorter pole, it
25 would be something to think about.

26
27 Mr. House asked if the drive up to the lot would be gated. Mr. Scamman said they are
28 planning to have a 6 feet gate and a 6 feet high fence around the lot. Mr. Daley asked if
29 motion sensors would help with the security. Mr. Scamman said his initial thought was
30 that motion detection would be better and would make the lights come on, however he
31 was told that all somebody needs to do is put a strip of tape on it to stop it working.
32 Mr. Paine asked if Subaru have cameras on their existing property and would this be an
33 opportunity to access cameras if they were put on the lot. Mr. Scamman said he didn't
34 know. Mr. Paine suggested Mr. Scamman could work with Subaru to see if this is
35 something they may want to do. Mr. Scamman said that typically any cables or wires
36 are buried in a trench and at that point the owner will decide what services they require,
37 however Mr. Scamman said he would mention it to the Subaru dealership. Mr.
38 Baskerville said it would be ideal if wooden slats could be incorporated into the chain
39 link fence but he appreciated the security elements.

40
41 Mr. Baskerville asked about the sloping of the lot. Mr. Scamman said it goes about 200
42 feet and then drops about 8 feet which makes it around 4%. He explained that they will
43 use an impervious fabric which is run at the same place as the under drains which helps
44 with ponding and infiltration. He added that those details are not yet on the plan as it is
45 something they are actively working on now.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

Mr. Hyland stressed that the fencing needed to be somewhat ascetically pleasing as it sits in a residential area. Mr. Federico said it would look ugly without any ascetics. Mr. Scamman said that the lot does drop down so the thought process was to provide a canopy by using trees and even when the leaves come off, there still wouldn't be a straight line view to the lot. He felt that would be better than using bushes which won't be as tall as the fence. Mr. Federico said his recommendation would be to make the sides that face River Road and the Route 108 more pleasing. Mr. Hyland said people turning into Frying Pan Lane will be able to see right into the lot. Mr. Scamman stressed again the drop down of the lot from the Route 108. Mr. Scamman suggested moving some of the trees from the back part of the lot to the front as the biggest concern seemed to be the view from Route 108. Mr. Hyland commented on the chain link fence and asked if it was really a necessity as other car dealerships in the area do not have them. Mr. Scamman said it was because of the security as the lot is set behind another business and set down in a hole. Mr. Hyland asked if a natural land form could be used as a deterrent instead like a gully or swale. Mr. Scamman explained the security concerns related to stolen car parts not the vehicles themselves. Mr. Paine asked if there were any architectural guidelines in the Gateway District plan about fences as this lot is situated in that district. Mr. Daley said there were guidelines that the applicant could use. Mr. Baskerville wondered if a site walk would help. Mr. Hyland said he liked the idea of the trees but maples are very susceptible to salt contamination and there is also a problem with Asian long horn beetle. He suggested they look at adding some other trees. Mr. Scamman said that research has shown that porous pavement reduces the salt by 60-80%.

Mr. Paine asked about the maintenance of the porous pavement. Mr. Scamman said there is a plan in place with a check list for the maintenance and whoever the owner is has to keep records. Mr. Paine asked if a copy of those records would be sent to the Town. Mr. Daley said ordinarily it wouldn't be necessary as the maintenance isn't being done by the Town, however as the lot is situated in a wetland area, the Town may have to be involved and require that records are supplied.

Mr. Scamman mentioned that there will be rock layers too so any additional run off will run off onto that. Snow storage areas are now on the plan. Mr. Hyland asked Mr. Scamman how they would deal with a spill on the porous pavement. Mr. Scamman explained there is a treatment available that breaks it down and also contains the spill so there would be no concerns of it getting into the wetlands. Mr. Paine asked if there would be an overflow area for the cars. Mr. Scamman said they had not planned on an overflow area, they would all be contained behind the fence.

Mr. Daley asked if the existing agricultural gravel lot would remain. Mr. Scamman said it would. Mr. Daley continued that a portion of the lower level of that lot is shown as overlapping and wanted to know how a separation would be shown. Mr. Scamman said a part of it would be cut away and separated by a swale. Mr. Daley then turned to the landscaping and lighting elements of the plan and suggested the Board give as much guidance as possible to avoid the applicant having to come back several times.

1 Mr. Hyland said he felt that the site walk would help immensely with suggesting ideas.
2 Mr. House commented that he liked the idea of lowering the lights as the lot wouldn't
3 look quite so industrial that way. He added that perhaps they could use a wire coated
4 black fence. Mr. Hyland added that they may want to lose the horizontal rails as they
5 stand out.
6

7 Mr. Daley said that on the plan it shows a stone wall at the entrance and he wanted to
8 know if that was going to change in any way. Mr. Scamman said a few stones would
9 have to be removed. Mr. Daley said the stone wall would be a nice element to keep.
10 Mr. Kirk Scamman said it isn't a typical stone wall; it is made up of bits and pieces of
11 rock. He added that he intended to store agricultural equipment on the lot also and was
12 still hoping to build a barn in the next year or two. Mr. Daley said that when the Board
13 does its site walk they should consider that interior landscaping is still required. Mr.
14 Daley wondered how many cars would be delivered a month and the impact of that on
15 Frying Pan Lane. Mr. Scamman said he was unable to give a definite answer at this
16 point in time without speaking to Mr. Yanofsky. Mr. Daley asked if it would be
17 possible for Mr. Yanofsky to attend the next meeting concerning this project. Mr.
18 Scamman wasn't sure. Mr. Foss, also a car dealership owner, said that there is no
19 control over how many cars a carrier may deliver so Mr. Yanofsky would not be able to
20 give a definitive answer either.
21

22 Mr. Daley informed the Board that the plan is for 98 spaces, but in the past there has
23 been a concern about the number of approved spaces being exceeded by Subaru on
24 their current lot. Mr. Daley recommended that as a part of the approval process a
25 maximum amount of cars allowed should be included. Mr. Baskerville asked if there
26 was space allocated for tractor trailers delivering cars. Mr. Scamman said there is
27 space allocated approximately 30' by 200'. He said they are also adding traffic signs so
28 the trailers don't turn on the porous pavement. Mr. Hyland commented on the size of
29 the curb cut and asked if the applicant had looked at having 2 smaller curb cuts instead,
30 one going in and one coming out. Mr. Scamman said there is a problem with utilities,
31 property lines and a head wall on the lot plus Frying Pan Lane is fairly narrow. Mr.
32 Hyland asked if Mr. Scamman could look at a way to minimize the size of the cut. He
33 agreed to see if was possible. Mr. Paine asked what will happen if a car carrier turns up
34 the same time as a fuel truck from the Shell garage. Mr. Scamman said there would be
35 enough room for it not to be an issue.
36

37 Mr. Daley asked if it was possible to reduce the aisle width of 24 feet to minimize the
38 impact on the area. Mr. Scamman said he wasn't opposed to the idea. Mr. Daley
39 introduced Colin Laverty, Highway Agent. Mr. Laverty said his main concern is the
40 number of tractor trailers and volume of traffic going onto and off of Frying Pan Lane
41 with a strict road paving budget every year. The Highway Department can only do so
42 much so he is concerned about the impact on the road. He continued that 40 feet might
43 sound big, but if it is narrower a bad truck driver might wear down the shoulder which
44 is maintenance down the road. He would like the Board to consider a maintenance
45 bond in the future. Mr. Laverty suggested also that perhaps putting 12 or 14 feet high
46 fir trees along the fence would help the security and the appearance of the lot.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

Mr. Baskerville said he assumed the tractor trailers would turn around and go back out on Frying Pan lane to the Route 108 and not try to travel down the entirety of Frying Pan Lane. Mr. Scamman said they would drive back up to the Route 108. The Board asked that a sign be installed directing the carriers back out on to the Route 108. Mr. Baskerville asked Mr. Laverty to join the site walk. Mr. Hutton said the crown of the curb cut should be checked too as he had seen many car carriers get stuck on them. Mr. Paine asked if there were any plans to enhance the shoulder of Frying Pan Lane to make it more suitable for large equipment. Mr. Paine felt the road needed to be protected from the extra heavy traffic. Mr. Daley confirmed with Mr. Scamman that this lot is purely for the storage of inventory. Mr. Daley continued that his concern is that a customer might say he wants to see a certain car and a Subaru salesperson will say they can as it is on the inventory lot and then they will go over to the lot. Mr. Daley encouraged the Board to limit this application to the storage of vehicles only and to restrict any type of customers or unauthorized sales people on site. Mr. Hyland mentioned the concern that some of the used car stock might be stored there followed by a little building going up and then it becomes an annex. Mr. Paine asked if the lights would be L.E.D. Mr. Scamman said they would be just like the ones that Nissan have. Mr. Daley said that the lights at the Nissan dealership are very nice and focus the light very well.

Mr. Baskerville opened the session up to the public.

Mr. Bill Bennifield, resident, asked about the fencing. He suggested moving the fencing back along the parking area with the turn out area a little more open without fencing around it. This, he said would minimize the amount of fencing that would be seen from Frying Pan Lane and stop parking of cars and provide a bigger turning area. Mr. Daley said his concern is that by doing that, it would not help the security aspect. Mr. Baskerville said the other advantage is that if you put it along the edge of the permanent pavement, it will keep them off the porous pavement.

The Board decided to meet for a site walk at 3.30: PM on Friday, November 9th, 2012. Mr. Baskerville extended the invitation to the public.

Mr. Hyland made a motion to continue this hearing to December 5th, 2012. Mr. Paine seconded. Motion carried unanimously.

Mr. Bruce Scamman asked if landscaping could be discussed at the site walk to give him a better idea of what they would like so he can prepare plans accordingly for the December 5th, 2012 meeting. The Board agreed. Mr. Daley asked Mr. Scamman if some stakes could be put in the ground to indicate where the storage lot will be located.

4. Public Meeting(s).
a. **2013 – 2017 Stratham CIP Workshop**

1 Mr. Daley updated the Board on the procedure for the CIP process and reminded them
2 that it is the Planning Board's responsibility. He explained that a sub committee is
3 typically formed and the process starts in early June of the current year.
4

5 Mr. Daley asked the Board if they were happy with the process and would they be
6 interested in being more involved in the process going forward.
7

8 Mr. Deschaine talked about limitations and advantages of the current process. He asked
9 for the Board's consideration for those limitations. Mr. Federico found the in put from
10 the school system to be limiting as it's hard to get their information until the last minute
11 as they are unable to present their numbers so early on in the process. The schools'
12 fiscal year is on a different schedule to the Town's. Mr. House commented that he felt
13 it made sense to have a committee to help Mr. Deschaine as he is the one currently
14 responsible for chasing departments for their input. Mr. Daley added that it typically
15 takes 2 months to put a CIP together so it makes sense to start the process in June to
16 enable more discussion and better planning.
17

18 Mr. Daley felt that for this year the Planning Board could attend some of the CIP
19 related meetings to get a feel for the process and then assume responsibility for the
20 process next year. It was agreed that an email would be sent out to the Board
21 reminding them of the first Board of Selectmen hearing of CIPs.
22

23
24 **b. Zoning and Land Use Amendments – Workshop**

25 i. Zoning Ordinance, Section VIII. Residential Open Space Cluster Subdivision &
26 Subdivision Regulations.

27 ii. Zoning Ordinance, Section III. Establishments of Districts and Uses:

28 1. Town Center District – Potential Rezoning Of Parcels and Expansion of District.

29 2. Professional / Residential District – Evaluation and Analysis of Uses Within District.

30 Mr. Daley said his understanding was that the Board preferred to look at
31 expanding uses in the PRE district and as such he made some amendments
32 incorporating an expansion of retail uses. Mr. Daley took the Board through the
33 changes which included retail within existing structures and the maximum
34 allowable size of buildings for retail both on the east and west sides of the Route
35 108. On the West side only 500 square feet would be allowed and only in an
36 existing structure. On the East side, people may have up to 2000 square feet both
37 in existing structures or new structures. Mr. Baskerville said he didn't remember
38 the Board addressing new buildings in the PRE district. Mr. House said the
39 Heritage committee may have concerns about the buildings west of Emery Lane
40 and his concern would be if the current character wouldn't be maintained. The
41 Board didn't want any drive through. Mr. Baskerville asked the Board what they
42 felt about existing buildings only being used on the West side. Mr. Federico
43 considered the potential of the changes on 3 particular properties. Mr. Daley put
44 up a map to show the PRE District. Mr. Baskerville wondered that if they allow

1 an expansion of retail uses, if the PRE district will just become an extension of the
2 Commercial District.

3 Mr. Daley said he had added a few definitions that were missing for personal and
4 commercial services and had modified the definition for professional office space.
5 Mr. Deschaine wondered if the current definition for Adult Uses was specific
6 enough to include Tattoo Parlors. Mr. Daley also made some minor changes to
7 the intent statement for the PRE zone.

8 Mr. Daley went on to say that a conditional use permit is required to construct a
9 building in the PRE zone for retail purposes and he has listed the requirements
10 necessary for the approval process. Mr. Daley said that if a buyer does not wish
11 to continue a use that was granted for their property then they have to apply for a
12 conditional use permit. If the same use is continued, they would not need a
13 conditional use permit.

14 The Board was generally happy with the amendments. Mr. Daley asked if the
15 Board felt comfortable with the fact that there may be a number of tear downs as a
16 consequence of these amendments. Mr. Deschaine inquired about the limitation
17 of retail use. He gave an example of building a 3200 square feet building, make
18 1600 of it professional and allocate 500 square feet of it to retail. Mr. Daley
19 agreed that was correct. Mr. Hyland asked about the difference between the
20 allocations of square feet to the West side versus the East side. Mr. Deschaine
21 suggested having a minimum size. Mr. Paine wondered if it was possible to add
22 some text about maintaining the residential/or agricultural appearance. Mr. Daley
23 said he would add some details to reflect that. Mr. Paine asked if car dealerships
24 are considered retail. Mr. Daley said they have been excluded from the PRE
25 zone. Mr. Deschaine mentioned that banks are allowed in the PRE zone through
26 a special exception, but a drive through for a bank would not be allowed under
27 retail uses as amended. Mr. Baskerville asked if the 2000 square feet limit would
28 also apply to banks. Mr. Paine asked if a bank would be considered a commercial
29 or personal service rather than a retail one. Mr. Daley said it could fall under
30 commercial service, but he would have to amend the Table of Uses and exclude it
31 from retail uses. Mr. House asked what the building heights are in the PRE zone.
32 Mr. Daley said it is 35 feet. Mr. House confirmed somebody could have a 2-
33 storey building for retail. Mr. Baskerville asked about putting multiple buildings
34 on a lot. He felt it would be acceptable as long as the buildings are small and
35 residential in nature. Mr. Paine asked if the area could be turned into
36 condominiums. Mr. Daley said a site plan could be done for the project for
37 condos. Mr. Baskerville reminded everybody that they didn't want to encourage
38 people to tear buildings down.

39 Ms. Colleen Lake, resident felt that 2000 square feet wasn't that big for retail.
40 Mr. Baskerville said that a balance needed to be struck between preserving the
41 character of the neighborhood and retail uses. Ms. Lake said the other problem is
42 that a lot of space is lost due to ADA turnaround areas and stairwells etc. Mr.
43 Deschaine said that perhaps the limitation could be defined more clearly to say
44 actual retail space as opposed to floor space. Mr. Deschaine said to be cognizant
45 of warehouse spacing too.

1 Ms. Lake inquired about the rezoning of the Town Center District. Mr. Daley ran
2 through the Board's observations and comments so far from previous discussions.
3 Due to environmental issues and residential uses, there is only a small area that
4 can be used for expansion. Mr. Daley said perhaps they could focus on the
5 regulations concerning density in the Town Center area and mimic the Gateway
6 District Form based code for the Town Center. He stressed however, that the
7 problem is the lack of public water and sewer. Perhaps property owners could
8 work together to design a community water and septic system that can handle
9 increased development in the area and locate a common area for a leach field.
10 The Board decided to put rezoning of the Town Center district onto next year's
11 agenda.

12 iii. Steep Slope Protection Overlay District.

13 Mr. Daley encouraged the board to read the amended version of the Steep Slope
14 Protection Overlay District and email him any comments they may have prior to
15 the next meeting on November 29, 2012.
16

17 **5. Miscellaneous.**

18 a. Report of Officers/Committees.

19
20 Mr. Paine gave an update from the Town Center Committee. They are moving ahead
21 with planting some evergreen trees in accordance with the Master Plan. They are
22 working with the Board of Selectmen to get their concurrence. The Fire Department
23 would like the Town Center to consider the planting of a large evergreen tree by the
24 Wiggins Library to create a new and safer location for the Holiday Tree lighting. The
25 committee also discussed putting up approximately 16 banners with revolving themes
26 along telephone poles or possibly a big flag. Mr. Federico said if it is allowed, it will
27 help to define the Town Center area.
28

29 Mr. Daley referred to the new Town Center signs and explained that due to the storm,
30 they had incurred some damage. The signs are being repaired and will be put back up.
31

32 Mr. Daley mentioned that a couple of Board members had recently attended a seminar
33 about how to revitalize and enhance town centers hosted by the Building Association.
34 The seminar provided excellent examples of what you can achieve with proper design
35 and regulations in place. Mr. Daley said he did get the feeling that the seminar was
36 more geared towards towns that have water and sewer. Mr. Hyland said the presenter
37 focused heavily on trees and said there should be 1 tree for every 3 parking spaces. Mr.
38 Baskerville said the presenter also believed in having maximum set backs and building
39 heights. Mr. Baskerville found it to be a thought provoking seminar.
40

41 Ms. Lake shared that she was in a town center in South Carolina recently and they had
42 the concept of 1 tree per 3 parking lots, but it impaired vision so they struggled to find
43 the stores they were looking for.
44

45 An abutter asked Mr. Federico what kind of fence he would like to see put up around
46 the Scamman's automobile lot project. Mr. Federico said either wood or wrought iron.

1
2
3
4
5
6
7

6. Adjournment.

Mr. Hyland made a motion to adjourn the meeting at 10: PM. Motion seconded by Mr. House. Motion carried unanimously.